

27 January 2022

Tess McCawe

By email: [fyi-request-17452-eee1fd70@requests.fyi.org.nz](mailto:fyi-request-17452-eee1fd70@requests.fyi.org.nz)

Ref: H202117767

Dear Tess

### **Response to your request for official information**

Thank you for your follow up request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 14 December 2021. I have attached the responses to your previous requests as Appendix 1 (ref: H202114758), Appendix 2 (ref: H202115491), and Appendix 3 (ref: H202116818). You stated:

*In Appendix 3 you have provided me with the evidence that form AE9128 was edited after the pharmacist sent it to CARM. I have the original form so I know that the paragraph under the heading "Medical History" was created later without my knowledge or permission. My OIA request to you relates to process so I do not need to know what this person wrote and you do not have my permission for that paragraph to be shared with anyone.*

*In order to respond to my OIA request (which is for details of the process used to change AE9128), please provide answers to the following specific questions.*

I will respond to each part of your request in turn.

*What was the date and time that the text placed under the paragraph headed "Medical History" was created?*

As your request (ref: H202116818) was made through the publicly available FYI website, the Ministry requested that you provide an email address as the response included a copy of your adverse event following immunisation (AEFI) report. As you declined to provide an email address and this response would therefore be published on a public website, the copy of your AEFI report was released to you with identifying information withheld under section 9(2)(a), to protect the privacy of natural persons. This included the section under "Medical History." The Medical History section is written by the vaccinator and includes information on relevant past medical history, whether an individual is pregnant or breastfeeding, any history of allergies, and whether overseas vaccinations have been administered.

This section is created by the vaccinator at the same time as the report in the COVID Immunisation Register. As information on who wrote this section is not held by the Ministry, this part of your request is refused under section 18(g)(i) of the Act. I encourage you to contact your vaccinator directly for information regarding this part of your request.

*The Ombudsman has provided guidance that public sector employees can be named when performing their duties, so (2) please state the name of the person who created the paragraph "Medical History" in the form AE9128. (3) Please state this person's medical qualifications and (4) the name of their employer. If they are a contractor, please (5) provide the details of their contract. (6) Please state all information sources used by this individual when they wrote the "Medical History" paragraph.*

This information is not held by the Ministry and your request is therefore refused under section 18(g)(i) of the Act. Please contact your vaccinator directly for information regarding these parts of your request.

*Most importantly, (7) please state the specific legislation which allowed this individual to access my personal information without my knowledge or permission and / or create new information without my input or consent.*

Under section 22 of the Privacy Act 2020, an agency that holds personal information obtained in connection with one purpose may use that information for a purpose directly related to the purpose in connection with which the information was obtained.

As mentioned in the response to your previous request (ref: H202116818), you have the right to ask the Ministry to amend any incorrect information it holds about you. Please contact the Ministry via email at [covid-19.privacy@health.govt.nz](mailto:covid-19.privacy@health.govt.nz) if you believe any personal information in this report requires correction or if you have any further inquiry regarding information held about you in the COVID-CARM database.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Yours sincerely



Derek Fitzgerald  
**Acting Group Manager**  
**Medsafe**